



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Tuesday, the Twenty Seventh day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) Nos.4262 and 4350 of 2018

S.NAGOOR KHAN

... PETITIONER / ACCUSED No.1  
IN CRL OP(MD)No.4262/18

N.IJAZ KHAN

... PETITIONER / ACCUSED No.2  
IN CRL OP (MD)No.4350/18

Vs

STATE THROUGH  
THE INSPECTOR OF POLICE,  
ARALVAIMOZHI POLICE STATION,  
KANYAKUMARI DISTRICT  
(CRIME NO.62 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.MAHESWARAN Advocate  
in both the petitions

For Respondent : Mr.A.ROBINSON, Govt. Advocate ( Crl. Side)  
in both the petitions

For Intervenor : Mr.NIRANJAN S.KUMAR, Advocate  
in both the petitions

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

**COMMON ORDER**

*Since the petitioners in these two petitions are involved in the same crime registered in Crime No.62 of 2018, these two petitions are taken up together, heard and disposed of by way of common order.*

2.The petitioners in these two petitions, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341, 294(b), 323, 324, 326 and 506(ii) I.P.C., in Crime No.62 of 2018, seek anticipatory bail.

3.The case of the prosecution is that the petitioner in Crl.O.P (MD).No.4350 of 2018 married one Rabia Fathima on 14.01.2016. Thereafter, the petitioner and his family members demanded more dowry from the defacto complainant. Hence, the case has been

registered for the above said offences.

4.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have been falsely implicated in this case , further added that they have not involved in the alleged occurrence. They have no way connected with the offences alleged and hence prays for anticipatory bail.

5.The learned counsel appearing for the intervenor submitted that the petitioner/intervenor is a close friend of one Mohamed Ali and his family. Based on that, the petitioner/Intervenor has introduced one Ijaz Khan and subsequently, the marriage between the defacto complainant and the Ijaz Khan was happened on 14.01.2016. After the marriage, the petitioners herein demanded more dowry from the defacto complainant, due to that, the petitioners had harassed the defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

6.The learned Government Advocate (Criminal Side) appearing for the State submitted that investigation is still pending.

7.The submissions made by the learned counsel appearing on either side are considered. It is alleged, during the time of occurrence, the petitioners and other accused in this case way laid the defacto complainant and assaulted by using the iron rod and caused contusion over the body of the defacto complainant. On going through the averments made in the F.I.R., the defacto complainant sustained contusion and as of now he was discharged from the hospital, after completing the treatment. Thereby, custodial interrogation of the petitioners may not be necessary for completing the investigation. However, as per the submission made by the learned counsel appearing for the intervenor that the petitioners threatened the defacto complainant even in the Police Station. So, considering the submission made by the learned counsel for the intervenor, this Court decided to impose some stringent condition for granting anticipatory bail to the petitioners. Accordingly, they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Cum District Court, Bhoothapandi, Kanyakumari District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioners shall report before the Villupuram Town Police Station daily at 10.00 a.m until further orders.

- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.



(iii) the petitioners shall not abscond either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

sd/-  
27/03/2018

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Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE CUM  
DISTRICT COURT, BHOOTHAPANDI,  
KANYAKUMARI DISTRICT
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
KANYAKUMARI DISTRICT
- 3 THE INSPECTOR OF POLICE,  
ARALVAIMOZHI POLICE STATION, KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI

COPY TO:-

THE INSPECTOR OF POLICE,  
VILLUPURAM TOWN POLICE STATION, VILLUPURAM

+2 CC to M/S.R.MAHESWARAN Advocate SR.Nos.4909,4910

MSA  
JAM/03/04/2018/ RR / SAR 4/ 3P-8C

ORDER  
IN  
CRL OP(MD) Nos.4262 and 4350 of 2018  
Date :27/03/2018